

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODNEY O. MCINTOSH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 4:16-CV-1103 DDN

MEMORANDUM AND ORDER

Before the Court is plaintiff's post-appeal motion for relief from judgment titled "motion for audita querela." The Court has reviewed plaintiff's motion in its entirety and will once again deny his motion for relief from judgment.¹ The Court notes that plaintiff previously sought to "recall the mandate" and to "void" the judgment, pursuant to Federal Rule 60(b). Plaintiff's prior motions for reconsideration of the judgment were also denied.

Last, in this Court's May 3, 2017 Memorandum and Order, plaintiff was told that he would not be allowed to file any further motions in this closed action, save a notice of appeal or motions related to his notice of appeal. This rule is still in effect in this closed action.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-appeal motion for relief from judgment titled motion for audita querela [Doc. #35] is **DENIED**.

IT IS FURTHER ORDERED that an appeal of this case would not be taken in good faith.

¹The Eighth Circuit Court of Appeals dismissed plaintiff's appeal on March 28, 2018, for lack of jurisdiction for failing to designate the judgment or order being appealed.

IT IS FURTHER ORDERED that plaintiff is not allowed to file any further motions in this closed action, save a notice of appeal or motions related to his notice of appeal. Should plaintiff attempt to file additional frivolous motions in this closed case not related to an appeal, the Clerk of Court **shall return** said motions to plaintiff forthwith.

Dated this 14th day of May, 2020.

\s\ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE